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10/518,907	10/21/2005	Gerd Hoffman	08215-580US1	5392
26171 7590 07/29/2010 FISH & RICHARDSON P.C. P.O. BOX 1022 MINNEAPOLIS, MN 55440-1022				
EXAMINER				
FIGUEROA, FELIX O				
ART UNIT		PAPER NUMBER		
2833				
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UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte* GERD HOFMANN and REINER NAUMANN

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Appeal 2009-013634  
Application 10/518,907  
Technology Center 2800

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Before KENNETH W. HAIRSTON, MAHSHID D. SAADAT,  
and BRADLEY W. BAUMEISTER, *Administrative Patent Judges*.

SAADAT, *Administrative Patent Judge*.

DECISION ON APPEAL<sup>1</sup>

Appellants appeal under 35 U.S.C. § 134(a) from a Final Rejection of claims 1 and 25-45, which constitute all the claims pending in the application as claims 2-24 have been canceled. An oral hearing was

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<sup>1</sup> The two-month time period for filing an appeal or commencing a civil action, as recited in 37 C.F.R. § 1.304, or for filing a request for rehearing, as recited in 37 C.F.R. § 41.52, begins to run from the “MAIL DATE” (paper delivery mode) or the “NOTIFICATION DATE” (electronic delivery mode) shown on the PTOL-90A cover letter attached to this decision.

conducted on this appeal on July 14, 2010. We have jurisdiction under 35 U.S.C. § 6(b).

We reverse.

## STATEMENT OF THE CASE

Appellants' invention relates to a branching device having wire terminals with cutting edges for penetrating the wire insulation. According to Appellants, electrical contact is made between a wire and the wire terminal without the need for cutting off the wire (Spec. 1). Claim 1, which is illustrative of the invention, reads as follows:

1. A branching device for at least one electric line, the branching device comprising:
  - a housing comprising a housing base section and a housing upper section to be connected with each other;
  - at least one electrically conducting wire terminal that provides a branching contact is accommodated in a holder, and includes contact lips with cutting edges for cutting through insulation of a wire to be connected to the wire terminal;
  - wherein the at least one wire terminal further includes at least one connecting lug, a through-channel for the uninterrupted passage of the wire, and at least one holding-down clamp which holds the wires in the through-channel of the wire terminal and which is inserted in the housing;
  - at least one of the contact lips is located diagonally to the through-channel so that the tip of the edge of the contact lip protrudes into the through-channel;
  - at least one of the contact lips is flexible in a direction pointing away from the through-channel; and
  - the holding-down clamp exhibits a transverse plate that closes off the through-channel and has an opening through which the connecting lug of the wire terminal protrudes.

The Examiner relies on the following prior art in rejecting the claims:

Heng	US 5,257,945	Nov. 2, 1993
Embo	US 6,019,627	Feb. 1, 2000
Toly	US 6,071,145	Jun. 6, 2000

Claims 1, 25-40, and 43-45 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Embo and Heng.

Claims 41 and 42 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Embo, Heng, and Toly.<sup>2</sup>

Rather than repeat the arguments here, we make reference to the Briefs and the Answer for the respective positions of Appellants and the Examiner.

### ISSUE

The Examiner reads the claimed holding-down clamp on the U shaped bottom portion of elements 13 and 5 shown in Figure 1 of Embo (Ans. 3-4 and 8). Appellants contend that guides 13 in Embo are used for inserting the conductor 6 into the housing while the slot and fork limbs 11 are used to cut into the insulation and make contact with the contacts 8 (App. Br. 4-5; Reply Br. 2). Additionally, Appellants assert that Figure 1 of Embo does not disclose or suggest the claimed holding-down clamp that exhibits a transverse plate and holds the conductor in the fork limbs 11 or guides 13 (App. Br. 5-6; Reply Br. 2-3).

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<sup>2</sup> Claims 42 and 43 are inadvertently listed in the statement of the rejection on page 7 of the Answer.

Therefore, the issue is whether the Examiner erred in rejecting claim 1 by reading the claimed holding-down clamp on the fork limbs 11 and the guides 13 of Embo.

### FINDINGS OF FACT

The following findings of fact (FF) are relevant to the issue involved in the appeal.

1. Figure 1 of Embo is reproduced below:

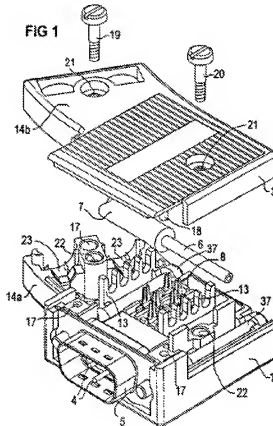


Figure 1 shows a two-part housing for a plug connector having a plug body 5 containing plug contacts 4 for connection to cable 7.

2. Embo discloses that the insulated individual conductors 6 make contact to the plug contacts 4 in the plug body 5 using insulation

displacement connection (IDC) technology without having to strip the insulation. A group of IDC contacts 8, produced from a sheet-metal which has the stamped and bent part 9 and has two pairs of IDC contacts, is fixed in the housing lower part 1, transversely with respect to the incoming individual conductors 6. (Col. 5, ll. 3-19.)

3. As shown in Figure 3 of Embo, contacts 8 include the fork limbs 11 that are configured to make contact with solid and braided conductors having thin or relatively thick insulation by cutting into the insulation. (Col. 5, ll. 25-30.)

4. Embo discloses using the fork-shaped guides 13 for the individual conductors 6 on the housing lower part 1 in the insertion direction of the individual conductors 6 on both sides of the groups of IDC contacts 8. The guides 13 project above the IDC contacts 8 so that, when the individual conductors 6 are inserted manually, they come to rest above the IDC contacts 8. (Col. 5, ll. 40-47.)

## PRINCIPLES OF LAW

Section 103 forbids issuance of a patent when ‘the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains.’

*KSR Int'l. Co. v. Teleflex Inc.*, 550 U.S. 398, 406 (2007).

## ANALYSIS

We disagree with the Examiner’s characterization (Ans. 8) of the combination of the U shaped bottom of element 13 and the bottom portion of

plug 5 as the claimed holding-down clamp. We find that, while Figure 1 of Embo shows that the wires 6 make contact to the plug contacts 4 in the plug body 5 (FF 1-2), nothing in the reference indicates that the bottom of plug 5 holds the wires in the wire terminals or the IDC contacts 8, as required by claim 1. We further find that the U shaped bottom of guides 13 hold the wires 6 above contacts 8 when the wires are inserted (FF 4) which allows the fork limbs 11 make contact with the wires 6 by cutting into the wire insulation (FF 3).

As discussed above, the housing of Embo depicted in Figure 1 shows that the wires 6 are not held down by the bottom of plug body 5 or the fork-shaped guides 13 which merely guide the wires over the IDC contacts 8 without holding the wires down. Therefore, contrary to the Examiner's interpretation of the reference teachings (Ans. 8-10), neither guides 13 nor plug body 5 can be properly characterized as the claimed holding-down clamp that holds down the wires 6 in the IDC contacts 8 as the fork limbs 11 make contact with the wires.

### CONCLUSION

On the record before us and in view of the analysis above, we find that the Examiner erred in rejecting claim 1 by reading the claimed holding-down clamp on the fork limbs 11 and the guides 13 of Embo. Therefore, since the Examiner has not identified any teachings in Heng or Toly that would have overcome the deficiency discussed above, we do not sustain the 35 U.S.C. § 103 rejection of claims 1, 25-40, and 43-45 over Embo and Heng nor of claims 41 and 42 over Embo, Heng, and Toly.

**ORDER**

The decision of the Examiner rejecting claims 1 and 25-45 is reversed.

**REVERSED**

gvw

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